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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/976,553      | 10/12/2001  | Chin-Tien Huang      | TEH-7               | 1464             |

7590 09/11/2003  
OLSON & HIERL, LTD.  
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Chicago, IL 60606

EXAMINER

WINDMULLER, JOHN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3724

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/976,553

Applicant(s)

HUANG ET AL.

Examiner

John Windmuller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

The claims are replete with errors. The following are some examples.

1. Claim 3 is objected to because of the following informalities: Line 2, "a" should read --an--. Appropriate correction is required.
2. Claims 8, 20, 27 are objected to because of the following informalities: Line 1 in all three claims, "a" should read --an--. Appropriate correction is required.
3. Claim 13 is objected to because of the following informalities: Line 2, "comprise" should read --comprises--. Appropriate correction is required.
4. Claim 15 is objected to because of the following informalities: Line 1, "15" should read --14--. Appropriate correction is required.
5. Claim 25 is objected to because of the following informalities: Line 1, "apertures" should read --aperture--. Line 2, "comprise" should read --comprises--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10, 22, 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

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matter which applicant regards as the invention. On lines 1-2 of all three claims, the phrase "juxtaposed to the body" is not understood.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-10, 12-22, 24-29, 31-36, 38-41, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '394 in view of Stevens and Wang '172. The device of Marocco '394 discloses the invention as claimed, including, inter alia, a body (Fig. 1, 14; col. 4, lines 30-33) defining a head rail opening (16), two blind slats openings (20), a bottom rail opening (18), a plate (30) with a head rail aperture (38) and configured to cut the head rail, a linearly movable blade assembly (60, 68) to cut the bottom rail and the blind slats, a manually operated drive mechanism (50, 54) to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats. But Marocco '394 does not teach a *rotatable* plate with a head rail aperture and configured to cut the head rail and a drive mechanism to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats *concurrently*.

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However, Stevens teaches a rotatable plate with a head rail aperture and configured to cut a rail (Fig. 4, D). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Marocco '394 with a rotatable plate with a head rail aperture and configured to cut the head rail as taught by Stevens to reduce the amount of force needed to cut the head rail.

Also, Wang '172 teaches a drive mechanism to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats concurrently (col. 3, lines 53-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Marocco '394 with a drive mechanism to cause the plate to cut the head rail and cause the blade assembly to cut the bottom rail and the blind slats concurrently as taught by Wang for faster cutting.

Regarding claims 2, 3, 5, 15, 16, 31, 33, Marocco '394 teaches a blade housing (60), first blade for cutting the bottom rail having an open profile (18, 40) along its cross sectional axis, second blade for cutting the blind slats (68).

Regarding claim 4, 17, 32, Marocco '394 teaches a first blade (Fig. 3, 51) configured to cut a bottom rail having a closed profile.

Regarding claims 7-9, 19-21, 26-28, 40, 41, Marocco '394 teaches a movable adjustable end guide (Fig. 8, 90, col. 7, lines 38-43) adjacent to the body, having an end guide lock (Fig. 8, 98).

Regarding claim 10, 22, 29, 43, Wang '172 teaches a support including at least one bracket (Fig. 1, 45, 46).

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Regarding claim 12, 24, Marocco '394 teaches a profile of the head rail aperture (Fig. 1, 38) that corresponds to the cross section of the head rail.

Regarding claim 13, 25, Marocco '394 teaches tooth like projections (Fig. 16, unlabeled, in opening 204).

Regarding claim 34, Wang 172 teaches a first blade that is pointed (Fig. 3, leftmost item 51) for cutting the bottom rail.

10. Claims 11, 23, 30, 37, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco '394 in view of Stevens and Wang '172 as applied to claim 1 above, and further in view of Sudano. The modified device of Marocco '394 discloses the invention as claimed except a blind slats clamp. However, Sudano teaches a blind slats clamp (Figs. 1 and 2, item 5, col. 7, lines 56-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified device of Marocco '394 with a blind slats clamp as taught by Sudano for better quality cutting.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wang 557, Pluber, Marocco '338 A1, Marocco '388, Hsu, Liu, Daniels et al, Marocco '073 A1, for their general resemblance to the instant invention; Stolpe, Gosis et al., Brunner, Rinner for their cutting with rotating plates.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Windmuller whose telephone number is 703 305-4988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703 308-1082. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-1148.

  
jw

  
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